

Mail Stop Interference
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Paper 1

Filed: 1 September 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

PAUL T. GARDINER

Junior Party
(Patent 6,136,339),

v.

CARL W. HASTINGS,
DAVID J. BARNES, and
CHRISTINE A. DALEY,

Senior Party
(Application 10/781,141).

Patent Interference No. 105,824
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s)

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. ' 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 and claims designated as corresponding or as not corresponding to the count(s) appear
2 in Parts E and F of this DECLARATION.

3 Part B. Judge managing the interference

4 Administrative Patent Judge Sally Gardner Lane has been designated to manage
5 the interference. Bd. R. 104(a).

6 Part C. Standing order

7 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
8 DECLARATION. The STANDING ORDER applies to this interference.

9 Part D. Initial conference call

10 A telephone conference call to discuss the interference is set for 2:00 p.m. on 3
11 November 2011 (the Board will initiate the call).

12 No later than four business days prior to the conference call, each party shall
13 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;
14 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

15 A sample schedule for taking action during the motion phase appears as Form 2
16 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to
17 the conference call and to agree on dates for taking action. A typical motion period
18 lasts approximately eight (8) months. Counsel should be prepared to justify any request
19 for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: Paul T. Gardiner, Brampton, CANADA

Involved Patent: 6,136,339, issued 24 October 2000
from application 09/138,136, filed 21 August 1998

Title: FOOD SUPPLEMENTS AND METHODS
COMPRISING LIPOIC ACID AND CREATINE

Assignee: lovate T. & P. Inc.

Senior Party

Named Inventors: Carl W. Hastings, Glencoe, MO;
David J. Barnes, Wildwood, MO;
Christine A. Daley, Columbia, IL;

Involved Application: 10/781,141 filed 18 February 2004

Title: PERFORMANCE-ENHANCING DIETARY
SUPPLEMENT

Assignee: None of record

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

1 Part G. Heading to be used on papers

2 The following heading must be used on all papers filed in this interference, see

3 SO ¶ 106.1.1:

4 UNITED STATES PATENT AND TRADEMARK OFFICE

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7
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9 AND INTERFERENCES

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12 PAUL T. GARDINER

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14 Junior Party
15 (Patent 6,136,339),

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19 CARL W. HASTINGS,
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28 Patent Interference No. 105,824
29 (Technology Center 1600)

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33 Part H. Order form for requesting file copies

34 When requesting copies of files, use of SO Form 4 will greatly expedite
35 processing of the request. Please attach a copy of Parts E and F of this
36 DECLARATION with a hand-drawn circle around the patents and applications for which
37 a copy of a file wrapper is requested.

/Sally Gardner Lane/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Form PTO-850
Copy of claims of 10/781,141

Revised 3 January 2006

cc (via overnight delivery):

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